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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|-------------------------|------------------------|
| 10/501,741 | 11/03/2004 | Toshiro Miyazaki | 2004-1092A | 4568 |
| 52349 7590 05/30/2008 WENDEROTH, LIND & PONACK L.L.P. 2033 K. STREET, NW SUITE 800 WASHINGTON, DC 20006 | | | EXAMINER LEE, JOHN W | |
| | | | ART UNIT 2624 | PAPER NUMBER |
| | | | MAIL DATE 05/30/2008 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/501,741 | Applicant(s) MIYAZAKI, TOSHIRO | |
| | Examiner JOHN Wahnkyo LEE | Art Unit 2624 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 4 and 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-7 and 9-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 13 March 2008 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 5, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over KODAK DC/280 ("KODAK DC240/280 Zoom Digital Camera User's Guide") in view of Park (US 5,231,490), and further in view of Takahashi (2003/0133034).

Regarding claim 1, KODAK DC 280 discloses an image enlarging apparatus (KODAK DC 280, "KODAK DC 280 is a zoom digital camera") comprising: an imaging means for outputting a photographed image of a subject, wherein a vertical line count and a horizontal line count of the photographed image are greater than a vertical line count and a horizontal line count of a television format (chapter DC280 Specification, "KODAK DC 280 is a zoom digital camera that can take pictures having resolution up to

2.3 millions pixels that are 1901X1212 and are larger than TV formats such as NTSC and PAL that have 648X486 and 768X576 resolution.”); an image cropping means for receiving the photographed image output from said imaging means (chapter Camera Identification and DC280 Specification, “KODAK DC280 also has a video output that can be connected to a TV by converting the images taken by the KODAK DC280 camera to the NTSC or PAL format”), for cropping the photographed image (chapter DC280 Specification, “3X digital zoom function”), and for generating a cropped image, the photographed image being cropped by cutting off at least a top portion and a bottom portion of the received photographed image (chapter DC280 Specification, “3X digital zoom function”) such that a vertical line count and a horizontal line count of the received photographed image are not compressed (chapter Camera Identification and DC280 Specification, “KODAK DC280 also has a video output that can be connected to a TV by converting the images taken by the KODAK DC280 camera to the NTSC or PAL format”); and an enlargement processing means for the selected image output from said switching means (chapter DC 280 Specification, “It is well known of the ordinary skill in the art that digital zoom of the camera specifies the camera can crop a portion of the image and then enlarges it back to the size, and the KODAK DC280 has a 3X digital zoom function.”). However, KODAK DC 280 does not have rest of the process or functions disclosed in the claim limitations of claim 1. Instead of KODAK DC 280, Park discloses an image cropping means for generating a cropped image the vertical line count and the horizontal line count-matching the vertical line count and the horizontal line count of the television format (col. 1, lines 7-20, “converting aspect ratio and

number of scanning lines of a video signal of the HDTV video image that has ratio of 16 to 9 and scanning lines above 1050 into a NTSC standard TV format having aspect ratio of 3 to 4 and scanning lines 525.”). Takahashi discloses an image compression processing means for receiving the photographed image output from said imaging means, for compressing the photographed image such that the vertical line count and the horizontal line count of the photographed image match the vertical line count and the horizontal line count of the television format (Fig. 5; paragraphs [0098]-[0102], “dynamic compression technique”), and for generating a compressed image (Fig. 1-29; paragraph [0070], “compression circuit that has a plurality of modes”); a switching means for selecting the cropped image generated by said image cropping means or the compressed image generated by said image compression processing means and for outputting the selected image (Fig. 1-28; paragraph [0067], “a system controller system that controls the selected mode to be output as it is from the image pick-up mode selection circuit”).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Park’s apparatus and Takahashi’s apparatus in KODAK DC 280 to suit for converting more than two modes such as a zoom-up mode and a wide mode as suggested by Park (col. 1, lines 62-65) and to provide and perform an adjustment suitably with a simple structure and to prevent inconvenience as suggested by Takahashi (page 1, paragraphs [0014] and [0015]).

Regarding claims 5 and 9, claims 5 and 9 are analogous and correspond to claim 1. See rejection of claim 1 for further explanation.

4. Claims 2-3, 6-7, and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over KODAK DC/280 (“KODAK DC240/280 Zoom Digital Camera User’s Guide”) in view of Park (US 5,231,490), and further in view of Takahashi (2003/0133034) and Imaizumi et al. (US 6,236,389).

Regarding claim 2, KODAK DC280, Park, and Takahashi disclose or teach all the previous claim limitation except the claim limitation of claim 2. However, Imaizumi image cropping means specifies on the photographed image a start point at one corner of a rectangular cropped image and an end point at a diagonally opposite corner of the rectangular cropped image (Fig. 5, col. 6, lines 55-63, “a trimming frame TF is changed according to the movement of the cursor CU by the operator and displayed as a square shape with the point P1 and the cursor position as diagonal points”).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Park’s apparatus, Takahashi’s apparatus, and Imaizumi’s apparatus in KODAK DC 280 to accurately and quickly designate and image editing region and to improve operability of an image editing process as suggested by Imaizumi (col. 2, lines 50-58).

Regarding claim 3, Imaizumi further discloses comprising a cropping area determining means for setting a location of the image to be cropped image in from the photographed image (Fig. 6; abstract, “The trimming mode of Imaizumi’s invention can move the trimming frame and can change the display shape in accordance with cursor and the position of the frame for the image editing region.”).

Regarding claims 6 and 10, claims 6 and 10 are analogous and correspond to claim 2. See rejection of claim 2 for further explanation.

Regarding claims 7 and 11, claims 7 and 11 are analogous and correspond to claim 3. See rejection of claim 3 for further explanation.

Conclusion

5. No claims are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN Wahnkyo LEE whose telephone number is (571)272-9554. The examiner can normally be reached on Monday - Friday (Alt.) 7:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW C. BELLA can be reached on (571) 272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

Application/Control Number: 10/501,741

Page 7

Art Unit: 2624

USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew C Bella/
Supervisory Patent Examiner, Art
Unit 2624

/John Wahnkyo Lee/
Examiner, Art Unit 2624